

MINNESOTA BOARD OF BARBER EXAMINERS
MONDAY March 26, 2012

Minutes

Attending Members: Frank Plant, Jon Stone, Clarence Jones, and James Robinson (joined meeting in progress at 8:15am)

1) Call to Order

Chair Frank Plant called the meeting to order at 8:05am

2) Approve Agenda

Motion by member Stone to amend the agenda and add items 5G and 6C second by member Jones, motion carried unanimously. Motion by member Jones to approve the agenda as amended, second by member Stone, motion carried unanimously.

3) Approve Minutes

Motion by Stone to approve the minutes of the January 9, 2012 meeting, second by Jones, motion carried unanimously.

4) Unfinished Business

A. Member Klemenhausen attended the January meeting as the appointment of our new Board member was not complete at the time of the meeting. The appointment of member James Robinson to the seat held by former member Klemenhausen is now complete. Welcome to new Member James Robinson.

B. Complaint Committee Appointment- Board Chair Plant appointed Jon Stone and James Robinson as the Complaint committee.

5) Petitions for Rule Variance

A. Desta Bedasso – To be allowed to take the barber examination based on experience and training in Ethiopia.

Mr. Bedasso was asked if there is different training in Ethiopia for barbers and cosmetologists. Mr. Bedasso indicated that the training is the same.

Board Member Robinson joined the meeting.

The barber school owners and instructors in attendance, Terrie Mau, Bill Dietman and John Mitchell) were asked for information regarding their process when individuals from other countries approach the school with certificates of education. Comments from the barber school owners and instructors indicate that they counsel prospective barbers that do not have clearly documented education to begin by completing the required 1500 hours of barber education.

Motion by member Robinson that Mr. Bedasso be given credit for 1000 hours of education and be required to take 500 hours of barber school prior to becoming eligible for the apprentice examination.

Further discussion: Mr. Bedasso asked the Board why the apprentice and not the Master examination. It was explained that the apprenticeship is additional training and a time to gain experience that is important to learning barbering. Member Jones seconded the motion, motion carried unanimously.

- B. Mustaf Hagi – Requesting the board consider his request in his absents as he is unable to attend due to his current employment. Mustaf is requesting a re-take of the written examination only with an interpreter present.

Motion by member Robinson that no action be taken until Mr. Hagi can be present at the meeting. Second by member Stone, motion carried unanimously

- C. Melrow Combs – Requesting reconsideration of hair cut score to a passing score for the registered (master) barber examination which would result in a passing score for the exam and licensure as a registered (master) barber.

Mr. Combs addressed the Board stating that Frank Plant had told him that his model's hair was long enough but to not remove any more hair. Mr. Combs indicates he did not remove any more hair and that when he finished with his other services he was informed the hair cut was too short.

Mr. Combs indicated that he used a #2 blade to complete the hair cut. He was asked how long that would leave the hair and he indicated more than an inch. The Board members disagreed with all three barber members stating that a #3 would leave less than an inch.

Motion by member Stone to deny the request, second by member Robinson, motion passed unanimously.

There was some additional discussion with Mr. Combs regarding what is required for the examination.

- D. Joe Barrera – Requesting written only retake of apprentice examination.

Mr. Barrera produced for the Board verification of a medical reason for his difficulty taking the written exam and need for accommodations.

Motion by member Stone to approve the request to retake written only at no additional cost, second by member Robinson, motion carried unanimously.

Mr. Barrera was instructed to call the office and make an appointment to take the written test.

- E. Abdulfeta Shafie- Requesting credit for Ethiopian education and experience equal to 1000 hours of education reducing education requirement to 500 hours in a Minnesota Barber School.

After discussion and careful examination of documents provided by Mr. Shafie member Robinson moved to grant the request, second by member Stone. Member Plant requested an amendment to clarify that Mr. Shafie will be eligible for the apprentice examination upon completion of the 500 hours of education. Member Robinson accepted the amendment to his motion, second by member Jones, motion carried unanimously.

F. Charles Hilliard- Requests to reinstate apprentice license without examination.

Mr. Hilliard reported to the board that he was told approximately five years ago by board staff that upon his release from incarceration he would be required to pay the reinstatement fee and then he would be relicensed.

Mr. Hilliard was asked if he had barbering experience while incarcerated and he stated not for the past two years.

Member Jones explained that the statute is clear and the board is required to uphold the statute.

Motion by member Jones, to deny the request and required examination to reinstate the license, second by member Robinson, motion carried unanimously.

Chair Plant closed the meeting for the consideration of Jared Landry's request at 8:50 am.

G. Jared Landry- Requests Closed Hearing. Jared is requesting reconsideration of the haircut portion of his examination.

Motion by member Plant to deny the request, second by member Stone, motion carried unanimously.

The meeting was reopened to the public at 9:00am.

6) Correspondence

A. Outgoing Board member Doug Klemenhausen has asked that his appreciation and enjoyment of the experience of being a member of the Minnesota Board of Barber Examiners for the past four and a half years be expressed.

A letter of appreciation from the Board has been prepared.

B. Letter from Roy Lang of Roy's Barber Shop regarding MN Rule 2100.7700 Other use of Premises etc...

The Board directed the Executive Secretary to reply by letter citing the rule and the necessity for the Rules to be enforced uniformly.

C. E-mail from Chuck Dording – Renewal fees too high.

The Board directed the Executive Secretary to reply thanking Mr. Dording for his input and wishing him all the best in his retirement.

7) Inspector Report

827 inspections completed. 201 since last board meeting.

All 5 barber schools have been inspected.

119 violations of MN Statute 154.01 unlicensed barber or barber shop

27 violations of MN Rule 2100.7700 use of premises.

Inspector Lawson was asked to provide a copy of the inspection report format to the Board members, which he did.

8) Executive Secretary Report

Licensing

5 Barber Schools

17 Barber Instructors
116 Student Permits
125 Apprentice Barbers*
1975 Registered Barbers*
920 Barber Shops

*It should be noted that late renewals for apprentice and registered barbers are continuing to come in at a rate of at least one per day.

3158 Currently Active Certificates

February Exam

Apprentice exam: 11 passed and 3 failed
79% passed the exam and 21% failed.

Registered (Master) exam 18 passed and 11 failed
62% passed 38% failed.

7 of the 11 that failed the written examination would have been eligible for an interpreter but did not apply for interpreters. All know individuals eligible for an interpreter were notified of their eligibility to have an interpreter when they applied for the exam.

Board Chair Plant ask the instructors about the test and what they have been hearing. The instructors present stated that they are hearing fewer complaints. Whenever things change there is some difficulty and the general report was that there are fewer complaints and that the consistency of the Board in their scoring and management is beneficial.

Legislative Update

Barber Bill

House File 2305 passed the House Jobs and Economic Development Finance Committee on February 27th with an amendment that reduced the base budget increase request from \$317,000 to \$289,000. The bill was referred to the Civil Law Committee where a hearing is yet to be scheduled. Companion Senate File 2326 passed the Senate Jobs and Economic Growth Committee on March 15th with a reduction in the newly proposed written exam retake fee and was referred to the Judiciary and Public Safety Committee where a hearing is yet to be scheduled.

The amendment reducing fees will likely further reduce the budget increase request to \$287,000 as the process continues. This is still a \$30,000 increase which should meet the Board's needs for fiscal year 2013 and any further budget needs will be addressed during the upcoming biennial budget planning and the next legislative session.

Other Legislation of interest

HF 1560/ SF0993 Office of Administrative Hearings disposition of contested case hearings:

Provides that the decision of the Administrative Law Judge becomes the final decision in a contested case.

This bill was vetoed by Gov. Dayton

HF2002 / SF1629 Lawful occupation pursuit ensured to be free from unnecessary regulation:

Provides for voluntary certification; Individual has a right to engage in lawful occupation free from substantial burden unless the government demonstrates it has a compelling interest in protecting against present and recognizable harm to the public health or safety and the occupational regulation is the least restrictive means of furthering that compelling interest. An individual may assert as a defense the right to engage in a lawful occupation in any judicial or administrative proceeding to enforce an occupational regulation.

HF0997 / SF 1298 Small Business Bill of Rights

If enacted into law, this bill will require state agencies, including the board, to consider a number of factors when determining the amount of a civil penalty. Respondents to disciplinary cases could be awarded “fees and other expenses related to” defending themselves in cases involving “excessive” civil penalties.

HF2169 / SF 2169 State agency rules review and reporting modifications

Provides for changes to the legislative review process related to agency rules

Has had some successful hearings

HF2555 / SF 2304 Sunset review recommendations.

This first group subject to Sunset review included the Health Licensing Boards housed in the building here with the Board and with which we share the Administrative Unit, work rooms and conference rooms.

**The Board of Barber Examiners is scheduled in group 3 to sunset June 30, 2016 and therefore will be reviewed in 2015 by the Sunset Commission.

HF2458 / SF2478 State government advisory inspections process established

State agencies that impose fines or penalties as a result of inspections must conduct advisory inspections upon request. If advisory inspection results in findings that could result in fine or penalty agency must notify the person and person has 60 days to correct without fine or penalty resulting if corrections are made.

E-Licensing

The Office of Enterprise Technology is conducting an evaluation of the E-Licensing Project. It is the E-Licensing project that is funded by the surcharge created by Minnesota Session Law 2009 Chapter 101 Article 2 Section 59 that adds the 10% surcharge to all our licenses and renewals. An extensive survey regarding current licensing procedures, costs, and time

was completed and submitted as part of the current evaluation. The results of the survey will be part of the overall evaluation of the e-licensing project.

On Line License Renewal

The computer program vendor, GL Solutions, has reported the recommendation that the Board wait to make the changes for on line renewals until after the upcoming Version 6 upgrade to our data base/licensing system. The on line renewal functionality was turned off when the boards split in July of 2009. It is unclear why the functionality was discontinued at that time although it may have been in anticipation of E-Licensing.

Other

Donna has completed her probation period and is now a full time permanent employee of the Board. The Executive Secretary continues to receive positive feedback regarding Donna's willingness to be helpful and responsiveness to requests.

It was noted by the Board members that Donna is an asset to the office.

9) New Business

A. Schedule for Complaint Committee Meetings

1. Next meeting is scheduled for 4/24/2012 at 1:00

B. Executive Secretary Performance Review:

The Executive Secretary granted the Board permission to complete the performance review in open public session.

Board Chair Plant summarized Ms. Fisko's performance as everything being well done and no concerns to note. Member Stone noted that Ms. Fisko's demeanor with people is consistent with all and that there is a vast improvement to the management of the office, meetings etc... with Ms. Fisko in the Executive Secretary position. Member Jones noted that Ms. Fisko is always willing to address issues, presents herself professionally, and follows through with requests. Member Robinson declined to comment as he is new to the Board and has had limited opportunity to observe or work with the Executive Secretary. Board Chair Plant ask for comments from others in attendance and all comments were positive in nature.

Ms. Fisko ask the Board if there are any areas for improvement. None were noted.

Member Robinson moved that the comments make be accepted and noted in the minutes, second by member Jones, motion carried unanimously.

10) Call for Public Comments

Terrie Mau of the Moler Barber School extended an invitation to the Board to hold meetings at the school if the construction for light rail around the office building makes it too difficult to hold meetings here.

11) Meeting Schedule

Scheduled Board Meetings

May 21, 2012 – Conference Room A

July 23, 2012 – Conference Room A

Sept. 24 2012 – Conference Room A

November 26, 2012 – Conference Room A

Committee and other Meetings

Complaint Committee April 24, 2012 at 1:00

12) Adjournment

Motion by member Jones to adjourn, 2nd by member Stone, motion carried unanimously.

Meeting adjourned by Chair Plant at 9:50am